

# **Standards Committee**

## **Annual Report 2016-17**

## **Chair's Foreword**

Another year brings the second annual report on the work of the Standards Committee. As well as independent Committee members (of whom I am one) the Council also appoints an Independent Person and a Reserve Independent Person. Their role is to assist in the complaints process under the standards regime. They perform a vital role in ensuring that the process is conducted fairly between the person making the complaint and the member complained about.

This year saw the departure of both the Independent Person and the deputy (for reasons not associated with Committee business) so we thank them for their service to the ethical health of the councillors within Bath and North East Somerset and welcome two new people to the work of the Committee – Tony Drew, Independent Person and Paul Ryan, Reserve Independent Person, were appointed at Full Council, Thursday 10<sup>th</sup> November 2016. They bring fresh insights to Standards and we are very pleased to have them as part of this area of Council responsibilities.

A thank you to the Councillors and staff who work on and for the Committee ends this year's foreword to the Annual Report.

Sue Toland

**Sue Toland**  
**Chair of the Standards Committee**

## **The Standards Committee**

### **Introduction**

The Standards Committee has agreed that it will submit an annual report summarising the work the Committee has carried out during the previous year for the consideration of Council. This report comprises the Annual Review covering the period April 2016 to March 2017, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2016-17 in the report refer to this time period.

## **1. Background information**

### **The Code of Conduct for Elected and Co-opted Members**

In 2012 BANES adopted a code required by The Localism Act 2011 setting out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity. The Code applies whenever a member (a) conducts the business of the Authority (including the business of their office as an elected councillor or co-opted member) or (b) acts, claims to act or gives the impression they are acting as a representative of the Authority. The Code is consistent with Nolan's Seven Principles of Public Life, and should be read in the light of those principles, namely that Councillors will act with selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

### **The Monitoring Officer**

The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law and maladministration to the full Council and/or to the Cabinet (as set out in s.5(1) of the Local Government and Housing Act 1989).

The Monitoring Officer and her team administer the local arrangements for addressing complaints made under the Code of Conduct. This includes the assessment of every complaint received under the Code of Conduct. Following consideration and consultation with the Authority's Independent Person and Chair of the Standards Committee, the Monitoring Officer decides whether the complaint will be investigated. The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Council's adopted assessment criteria. The Monitoring Officer may also consider that a complaint can be reasonably resolved informally and will discuss this option with the complainant and subject member where appropriate.

### **Independent Persons**

The Council has appointed an Independent Person and a Reserve Independent Person who are invited to attend all meetings of the Standards Committee. The Independent Person must be consulted by the Council before it makes a decision on a matter that has been referred to it for investigation; they can also be consulted by the Council in respect of a code of conduct complaint at any other stage; and can also be consulted by a member or co-opted member of the Council against whom a complaint has been made.

### **The Standards Committee**

The Standards Committee is responsible for the promotion of ethical standards within the Council, helping to secure adherence to the Code; monitoring the operation of the Code; conducting hearings following investigation and determining complaints made under the

Code. The Standards Committee's terms of reference are set out in the Council's Constitution in Part 5, Terms of Reference. The Committee conducts proceedings using Article 9 of the Constitution and the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members. The Committee is also responsible for granting dispensations to Members.

Where a Final Report from an Investigating Officer recommends a finding that there is no breach of the Code, the Committee determines whether to accept the report; refer the report back to the Investigating Officer if it is considered incomplete; or refer the report to a hearing in accordance with the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members.

Where a Final Report from an Investigating Officer recommends a finding that there has been a breach of the Code, the Committee undertakes a hearing in accordance with the Council's Local Arrangements for dealing with complaints under the Code.

## **2. Training for Standards Committee Members and Independent Persons**

Initial and refresher training on the duties and responsibilities of members serving on the Standards Committee of the Authority is important to ensure the probity and credibility of the Authority's decision making processes. Members are required to undertake basic training through the Authority's member induction programme, on election or re-election, and this is refreshed annually, before they can serve on the Standards Committee. Training is also provided for the Independent Persons appointed by the Authority in order to ensure they are able to carry out their role.

## **3. Standards Committee Membership 2015-16**

In 2015/16 the Standards Committee comprised the following Members:

Councillors Sally Davis, Sarah Bevan, Nigel Roberts, Geoff Ward and Brian Simmons. Parish Councillors Tony Crouch, Veronica Packham and Dr Axel Palmer. Independent Members: Sue Toland (Chair), Deborah Russell and Dr Cyril Davies.

## **4. The Authority's Independent Persons**

The Authority's Independent Person is Tony Drew and the Reserve Independent Person is Paul Ryan.

## **5. Committee Meetings**

At the start of each year the Standards Committee agrees its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year. The Work Programme/Action Plan for 2015-18 is attached at Annex A to this report.

The Standards Committee met on

- 19<sup>th</sup> May 2016
- 22<sup>nd</sup> September 2016
- 30<sup>th</sup> March 2017

## 6. Complaints under the Code of Conduct for Members and Co-opted Members

### i. Complaints by complainant

Type of complainant	2013/14	2014/15	2015/16	2016/17	Total
BaNES Councillor	0	0	0	1	1
Parish / Town Councillor	8	0	8	0	16
Member of the public	14	16	16	9	55
<b>Total</b>	<b>22</b>	<b>16</b>	<b>24</b>	<b>10</b>	<b>72</b>

### ii. Complaints by subject

Subject of the complaint	2013/14	2014/15	2015/16	2016/17	Total
BANES Councillor	8	13	11	7	39
Parish / Town Councillor	14	3	13	3	33
<b>Total</b>	<b>22</b>	<b>16</b>	<b>24</b>	<b>10</b>	<b>72</b>

### iii. Complaints by type

Type of complaint	2013/14	2014/15	2015/16	2016/17	Total
Failure to declare an interest	11	1	5	6	23
Bullying/failure to treat with respect	0	1	7	1	9
Bringing Council into disrepute	9	14	11	3	36
Improperly conferring advantage/disadvantage	2	1	0	0	3
Disclosure of confidential information	0	0	1	0	1
<b>Total</b>	<b>22</b>	<b>17</b>	<b>24</b>	<b>10</b>	<b>72</b>

**Note:** A complainant may make several types of complaint about a councillor.

**iv. Initial Assessments**

<b>Local Assessment Decisions</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>Total</b>
<b>No Further Action</b>	19	15	21	10	<b>65</b>
<b>Informal Resolution</b>	1	0	0	0	<b>1</b>
<b>Referred for Investigation</b>	2	1	3	0	<b>6</b>
<b>Total</b>	<b>22</b>	<b>16</b>	<b>24</b>	<b>10</b>	<b>72</b>

**v. Outcome of complaints**

<b>Outcomes</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>Total</b>
<b>Other Action</b>	1	1	0	0	<b>2</b>
<b>Ongoing</b>	0	0	1	0	<b>1</b>
<b>Apology</b>	0	0	1	0	<b>1</b>
<b>No Action Required</b>	0	1	9	0	<b>10</b>
<b>Withdrawn</b>	2	1	0	0	<b>3</b>
<b>Breach</b>	0	0	1	4	<b>5</b>
<b>No Breach</b>	18	14	12	6	<b>50</b>
<b>Total</b>	<b>22</b>	<b>16</b>	<b>24</b>	<b>10</b>	<b>72</b>

## **7. Review of Standards Committee Work Programme and Action Plan for 2015/18**

The Standards Committee's Work Programme/Action Plan for 2015/18 is attached at Annex A. The Standards Committee met on 3 occasions during the year. At each meeting the Committee monitored its Action Plan. No complaint hearings were held. Two training sessions for Members of Standards on the Code of Conduct were held.

## **8. Conclusion**

The Committee has dealt with a wide variety of matters in the past year. The Committee's aim is to continue to develop and maintain the Authority's ethical governance framework for the benefit of the Authority and ultimately local people. The Committee is looking forward to the next year.

## STANDARDS COMMITTEE WORKPLAN 2015 – 2018

<b>Date of meeting</b>	<b>Title</b>	<b>Report author / responsible officer</b>
<b>10<sup>th</sup> December 2015</b>	<b>Hearing of complaint</b>	<b>ML</b>
<b>28<sup>th</sup> January 2016 (postponed)</b>	<b>Rearranged for 31<sup>st</sup> March</b>	
<b>31st March 2016</b>	<b>Hearing of complaint</b>	<b>ML</b>
<b>19th May 2016 (substantive)</b>	<b>Training session for Members of Standards</b>	<b>ML</b>
<b>22nd September 2016 (substantive)</b>	<b>Consideration of draft Annual report - including a review of the complaints received going back to 2013.</b>	<b>ML</b>
<b>24th November 2016 (provisional)</b>	<b>Cancelled</b>	
<b>30<sup>th</sup> March 2017 (substantive)</b>	<b>Training session – declaration of pecuniary interests and the ability to speak on an item</b>	<b>ML</b>
<b>11<sup>th</sup> May 2017 (substantive)</b>	<b>Annual report</b>	<b>ML</b>
<b>20th July 2017 (provisional)</b>		



<b>21st September 2017 (substantive)</b>	<b>Training session – hearings workshop</b>	<b>Maria Lucas</b>
<b>23rd November 2017 (provisional)</b>		
<b>25th January 2018 (substantive)</b>	<b>Training session</b>	
<b>22nd March 2018 (provisional)</b>		
<b>17th May 2018 (substantive)</b>	<b>Annual report</b>	<b>ML</b>
<b>19th July 2018 (provisional)</b>		